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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
JORGE RODRIGUEZ,
Defendant.

No. 4-12-70216 MAG

~~PROPOSED~~ ORDER DETAINING
DEFENDANT JORGE RODRIGUEZ
PENDING TRIAL

Date: February 29, 2012
Time: 9:30 a.m.
Court: Hon. Laurel Beeler

Defendant Jorge Rodriguez is charged in a one-count complaint in the District of Columbia with transporting or shipping visual depictions of minors engaging in sexually explicit conduct, in violation of 18 U.S.C. §§ 2252(a)(1). Following arrest in this district, at the initial appearance, the United States moved for defendant's detention, pursuant to 18 U.S.C. §§ 3142(f). On February 29, 2012, following a hearing, the Court ruled that defendant should be detained, because no conditions could be set that would ensure appearance at future court hearings and ensure the safety of the community. Considering the nature of the offense and the presumption

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1 of detention, Pretrial Services' criminal history report, the government's proffered evidence of
2 the defendant's recent telephone calls and text messages, evidence of ongoing methamphetamine
3 use, defendant's health issues, the nature of defendant's living situation, the Court found that no
4 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
5 presence in court or the safety of the community. See 18 U.S.C. §§ 3142(e) and (f).

6 Given defendant's expressions of action toward child victims, as proffered in the contents
7 of recent text and phone conversations (although defendant has recently stated that those
8 expressions were not sincere), combined with information set forth in the criminal complaint, the
9 Court found that the government met its higher burden in arguing that defendant poses a risk to
10 the community, and found that defendant did not overcome the presumption of detention.

11 **ORDER**

12 Defendant is ordered detained as no condition or combination of conditions in 18 U.S.C.
13 § 3142(c) will reasonably assure the appearance of defendant and safety of the community as
14 required.

15 Defendant is committed to the custody of the Attorney General or a designated
16 representative for confinement in a corrections facility separate, to the extent practicable, from
17 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C. §
18 3142(i)(2). Defendant must be afforded a reasonable opportunity to consult privately with
19 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an
20 attorney for the government, the person in charge of the corrections facility must deliver
21 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

22 IT IS SO ORDERED.

23
24 DATED: March 2, 2012

25 
26 HON. LAUREL BEELER
27 United States Magistrate Judge
28